

Claire Kilpatrick [claire.kilpatrick@eui.eu](mailto:claire.kilpatrick@eui.eu)

### **EUI employment**

Professor of International and European Labour and Social Law, from 1 September 2011

Co-Director of the Academy of European Law, from 1 September 2015

EUI Dean of Graduate Studies, from 1 January 2019

**Previous Employment:** London School of Economics and Political Science (2006-2011), Cambridge University and Emmanuel College (2002-2006), Queen Mary, University of London (2002-2002), Bristol University (1995-2000). *Visiting Faculty:* College of Europe, Bruges; Catania; Paris-I.

### **Education**

PhD, EUI (1997), LL.M, EUI (1992), LL.B (Hons), Queens University Belfast (1991).

### **Doctoral, LL.M and Postdoctoral Supervision and Mentoring at EUI**

22 as main PhD supervisor (12 defended to date), 10 as LL.M supervisor, 10 as post-doc mentor. Examiner of around 20 other PhDs at EUI and elsewhere.

### **Wider contributions to EUI**

Served on Harassment Committee as chair and member; served on Doctoral Programme Appeals Committee as Chair and Member; elected by EUI Academic Council in 2012 to serve on the Search and Selection Committee for the next EUI President; multiple selection committees for Faculty and senior administrative appointments; chair and author of *EUI Gender Review of Senior Posts* (2017-2018) at the President's request; participation as chair and presenter in several State of the Union panels and side-events.

### **Wider contributions to academic and public life**

*European Law Journal* (Editorial board, 2006-2014; Advisory, 2014-2018); *Industrial Law Journal* (Editor, European Developments Section, 2000-2014, Editorial Board, 2000-); *International Journal of Comparative Labour Law and Industrial Relations* (Editorial Board, 2011-); *Giornale di diritto di lavoro e di relazioni industriali* (Scientific Committee member, 2016-); *Cambridge Yearbook of European Legal Studies*, Co-editor Vols 6-8.

ERC Advanced Grants Panel SH2 member (2015-2016, declined subsequent invitation to chair); multiple reviews for national and non-profit funding bodies in Belgium, Netherlands, UK, Israel, Ireland, France.

Taskforce advising Commission on social acquis and European Pillar of Social Rights (2016-2017); Invited as expert on posting of workers by the Swedish Employment Ministry for an informal meeting of EU employment ministers (2015); Member of Commission's external advisory Group of Societal Policy Analysis (2005-9, 12-strong group convened by Commission President Barroso).

Member of Panel reviewing Oxford Institute of European and Comparative Law (2018); Panel member for review and report on Lund University's Recruitment and Promotion strategies (2020):[https://portal.research.lu.se/portal/en/publications/rq20--lund-universitys-research-quality-evaluation-2020\(b4d910c4-860b-4bb0-8c7b-9d823c1a4bb4\).html](https://portal.research.lu.se/portal/en/publications/rq20--lund-universitys-research-quality-evaluation-2020(b4d910c4-860b-4bb0-8c7b-9d823c1a4bb4).html)

## **Research Projects at EUI**

The Court of Justice in the Archives (funded by EUI Research Council) <https://ecjarchives.eui.eu/>

Equality Law in Europe <https://equalitylaw.eui.eu/>

Euro-crisis and Law (two projects, one funded by EUI Research Council [eurocrisislaw.eui.eu](https://eurocrisislaw.eui.eu) and one a Workpackage funded by H2020 as part of ADEMU <https://ademu-project.eu/>)

## **Book/Book-length publications**

*Human Rights and the EU in the Sovereign Debt Crisis: Interfaces, Mobilisation, Legacies* (in preparation, OUP)

*Contemporary Challenges to EU Legality* (OUP, 2021). Co-edited with J. Scott.

*New Legal Approaches to Studying the Court of Justice: Revisiting Law in Context* (OUP, 2020). Co-edited with J. Scott.

*Legal Acts in the EU: Challenges and Transformations* (OUP, 2018). Co-edited with M. Cremona.

*How EU Law Shapes Opportunities for Preliminary References on Fundamental Rights: Discrimination, Data Protection and Asylum* (EUI Working Paper, 2017/17). Co-edited with E. Muir, J. Miller and B. de Witte.

*Constitutional Change Through Euro-Crisis Law* (CUP, 2017). Co-edited with T. Beukers and B. de Witte.

*Social Rights in Crisis in the Eurozone: the Role of Fundamental Rights' Challenges* (EUI Working Paper, 2014/5). Co-edited with B. De Witte.

*Critical Legal Perspectives on Global Governance: Liber Amicorum David M. Trubek* (Hart Publishing, Oxford, 2013). Co-edited with G. de Búrca and J. Scott.

*Cambridge Yearbook of European Legal Studies* Volume 6, 2003-4; Volume 7, 2004-5, Volume 8, 2005-6. Co-edited with J. Bell.

'Gender Equality: A Fundamental Dialogue' in S. Sciarra (ed.) *Labour Law in the Courts: National Judges and the ECJ* (Hart Publishing, Oxford, 2001) [pp.31-131, ISBN 1 84113 024 9] 51500 words

*The Future of Remedies in Europe* (Hart Publishing, Oxford, 2000) [i-xlii, pp.1-303, ISBN 1 84113 082 6]. Coedited with T. Novitz and P. Skidmore.

## **Journal Special Issues**

Special Issue of *European Papers on The Court of Justice in the Archives* (2021). Co-edited with M. Cremona and J. Scott.

Special Issue of *EuConst* on *The Displacement of Social Europe* (1/2018).

Special issue of *European Journal of Social Law* (2014:1) on *Social Rights in Crisis in the Eurozone: the Role of Fundamental Rights' Challenges*. Co-edited with B. de Witte.

Special issue (Volume 36:1, March 2007) of the *Industrial Law Journal* on the theme of *Reconstructing Employment Contracts*. Co-edited with L. Barmes and H. Collins.

#### **Articles in Refereed Journals and Refereed Working Papers**

'Taking the Measure of Changing Labour Mobilization at the International Labour Organisation in the wake of the EU Sovereign Debt Crisis' 68 *ICLQ* (2019) 665-697, 15000 words. Earlier version published in 'L'Europa della crisi si rivolge all'OIL: come è cambiata la mobilitazione sui diritti sociali e del lavoro' *Rivista Giuridica del Lavoro* (2019).

'A Tangible Human Face for Social Europe' *RSC Policy Brief 02/2019 EUI*, invited also to publish an Italian version in <https://welforum.it/il-punto/agenda-sociale-nelle-elezioni-europee/unvolto-umano-per-leuropa-sociale/> Co-authored with Bruno De Witte.

'Social Europe via EMU: Sovereign Debt, the European Semester and the European Pillar of Social Rights' *Giornale di Diritto del Lavoro e di Relazioni Industriali* 160/2018, 737-759.

'The Displacement of Social Europe: A Productive Lens of Inquiry' 14 *EuConst* (2018) 1-13.

'Introducing the role of collective actors and preliminary references in the enforcement of EU fundamental rights law' in E. Muir, C. Kilpatrick, J. Millar and B. De Witte (eds) *How EU Law Shapes Opportunities for Preliminary References on Fundamental Rights: Discrimination, Data Protection and Asylum* (EUI Working Paper, 2017/17) 1-10. Co-authored with Bruno De Witte.

'The EU sovereign debt programmes: the challenges of liminal legality' 70 *Current Legal Problems* (2017) 337-363. Also published in Italian translation in C. Margiotta (a cura di) *Il Mulino* (2017).

*Towards a European Pillar of Social Rights: Upgrading the Social Acquis*, College of Europe Policy Brief 1.17, January 2017. Co-authored with S. Garben and E. Muir.

'The New Economic Component of EMU: A Lawful and Effective Design?' EUI Working Paper, ADEMU Horizon 2020 Project Series, 2016.

'Constitutions, social rights and euro-crisis law: a new area of constitutional inquiry' EUI WP 2015/34, 14,000 words. A revised version is published in T. Beukers, B. De Witte and C. Kilpatrick (eds) *Constitutional Change Through Euro-Crisis Law*, CUP 2017.

'On the Rule of Law and Economic Emergency: The Degradation of Basic Legal Values in Europe's Bailouts' 35 *Oxford Journal of Legal Studies* (2015) 325, 15000 words.

'Are the bailout measures immune to EU Social challenge because they are not EU Law?' 10 (2014) *EuConst* 393, 15000 words.

'A Comparative Framing of Fundamental Rights Challenges to Social Crisis Measures in the Eurozone', *European Journal of Social Law* (2014) 2; modified version published as SIEPS Working Paper 2014:7 (12pp). Co-authored with Bruno De Witte.

'Has Polycentric Strike Law Arrived in the UK? After *Viking*, After *Laval*, After *Demir*' *International Journal of Comparative Labour Law and Industrial Relations* (2014) 294, 11000 words.

'Internal market architecture and the accommodation of social rights: as good as it gets?' (2012) *European Journal of Social Law* 4-29; also in P. Syrpis (ed.) *The Judiciary, the Legislature and the Internal Market* (CUP, 2012) 205-240. An earlier version is available as EUI Working Paper 4/2011.

'The Court of Justice and Labour Law in 2010: A New EU Discrimination Law Architecture' (2011) *Industrial Law Journal* 40, 280-301 [ISSN 0305 9332].

'The ECJ and Labour Law in 2009' (2010) *Industrial Law Journal* 39, 287-299 [ISSN 0305 9332].

'*Laval's* Regulatory Conundrum: collective standard-setting and the Court's new approach to posted workers' (2009) *European Law Review*, 34, 844-865 [ISSN 0307-54BV] 12000 words.

'*British Jobs for British Workers? UK Industrial Action and Free Movement of Services in EU Law*' LSE Working Paper 16/2009, 11000 words.

'The ECJ and Labour Law: a 2008 Retrospective' (2009) *Industrial Law Journal*, 38:2, 180-208 [ISSN 0305 9332] 12000 words.

'The new UK retirement regime, employment law and pensions' (2008) *Industrial Law Journal*, 37:1, 1-24 [ISSN 0305 9332] 10,000 words. Republished in M. Selmi (ed) *Age and Equality Law: The Library of Essays on Equality and Anti-Discrimination Law* (Ashgate, 2013).

'Law, Governance, or New Governance? The Changing Open Method of Coordination' (2007) *Columbia Journal of European Law*, 13:3, 649-677 [ISSN 1076-6715] 12000 words. Co-authored with K.A. Armstrong.

'Age, Retirement and the Employment Contract' (2007) *Industrial Law Journal*, 36:1, 119-135 [ISSN 0305 9332] 7500 words.

'UK Worker Representation after Single Channel' (2004) *Industrial Law Journal*, 33:2, 121-151 [ISSN 0305 9332] 14,000 words. Published in French in S. Laulom (ed.) *Recomposition des systèmes de représentation des salariés en Europe* (CERCRID, Presse Universitaire de St. Etienne). Co-authored with P.L. Davies.

'Has New Labour Reconfigured Employment Legislation?' (2003) *Industrial Law Journal*, 32:3, 135-163 [ISSN 0305 9332] 11000 words.

‘Employment equality, non-discrimination and the Labour Market in the UK’, (2002) *International Journal of Comparative Labour Law and Industrial Relations*, 18(2), 129-147 [ISSN 0952-617X] 7000 words. Co-authored with Catherine Barnard and Simon Deakin.

‘Law and policy on part-time work in the UK – some reflections on “Europeanisation”’, (2000) *Giornale di diritto di lavoro e di relazioni industriali*, 88:4, 655-681 [ISSN 1720 4321] 12000 words. Co-authored with Mark Freedland.

‘Community or Communities of Courts in European Legal Integration? Sex Equality Dialogues and the UK Courts’, (1998) *European Law Journal*, 4:2, 121-147 [ISSN 1351 5993] 10000 words.

‘Production and Circulation of EC Night Work Jurisprudence’, (1996) *Industrial Law Journal*, 25:3, 169-190 [ISSN 0305 9332] 8000 words.

‘Deciding When Jobs of Equal Value Can Be Paid Unequally: An Examination of s.1(3) of the Equal Pay Act 1970’, (1994) *Industrial Law Journal*, 23:4, 311-325 [ISSN 0305 9332] 6000 words.

### **Chapters in books**

‘The Human Rights Puzzle of the Euro-crisis: why massive breaches of human rights but none of the EU Charter of Fundamental Rights?’ in A. Torres-Perez and M. Gonzalez-Pascual (eds) *Social Rights in the EMU: New Challenges for a Social Europe* (Edward Elgar, 2021) 9000 words.

‘Challenging EU Legality’ in C. Kilpatrick and J. Scott (eds) *Contemporary Challenges to EU Legality* (OUP, 2021) 7000 words. Co-authored with J. Scott.

‘New Legal Approaches to Studying the Court of Justice: Revisiting Law in Context’ in eponymous edited volume (OUP, 2020) 6000 words. Co-authored with J. Scott.

‘Article 21 EUCFR’ in 2<sup>nd</sup> edn S. Peers, T. Hervey, J. Kenner and A. Ward (eds) *The EU Charter of Fundamental Rights: A Commentary* (Hart Publishing, forthcoming) 15000 words. Co-authored with H. Eklund.

‘Introduction to Legal Acts in the EU’ in M. Cremona and C. Kilpatrick (eds) *Legal Acts in the EU: Challenges and Transformations* (OUP, 2018). Co-authored with M Cremona.

‘Abnormal Legal Sources in the EU Sovereign Debt Crisis’ in M. Cremona and C. Kilpatrick (eds) *Legal Acts in the EU: Challenges and Transformations* (OUP, 2018).

‘Constitutional Change Through Euro-Crisis Law: Taking Stock, New Perspectives and Looking Ahead’ in T. Beukers, B. De Witte and C. Kilpatrick (eds) *Constitutional Change Through Euro-Crisis Law* (CUP, 2017). Co-authored with T Beukers and B De Witte.

‘Article 21 EU Charter of Fundamental Rights: non-discrimination’ in S. Peers, T. Hervey, J. Kenner and A. Ward (eds) *The EU Charter of Fundamental Rights: A Commentary* (Hart Publishing, 2014), 10000 words.

'Posted Workers and Equal Rights' in O. Tudor and A. Hug (eds) *Single Market, Equal Rights? UK Perspectives on Employment and Social Law* (Foreign Policy Centre, 2012).

'Gender and the Legal Regulation of Employment Breaks', in J. Fudge and R. Owens (eds) *Precarious Work, Women and the New Economy: The Challenge to Legal Norms* (Hart Publishing, 2006) [pp.153-174, ISBN: 1-84113-616-6] 9000 words.

'New EU Employment Governance and Constitutionalism' in G. de Búrca and J. Scott (eds) *New Governance and Constitutionalism in Europe and the US* (Hart Publishing, Oxford, 2006) [pp.121-152, ISBN: 1-84113-543-7] 10000 words.

'How is EU Governance Transformative? Part-time Work in the UK' in S. Sciarra, P. Davies and M. Freedland (eds) *Employment Policy and the Regulation of Part-time Work in the EU: A Comparative Analysis* (CUP, 2004) [pp.299-357, ISBN 0 521 84002 3] 22000 words. Co-authored with Mark Freedland.

'Resolution of Labour Disputes in the UK' in F. Valdés Dal-Ré (ed.) *Labour Conciliation. Mediation and Arbitration in European Union Countries* (Colección Informes y Estudios, Ministerio de Trabajo y Asuntos Sociales, Madrid, 2003) [pp.379-404, ISBN 84-8417-131-0], 9000 words.

'Turning Remedies Around: A Sectoral Analysis of the Court of Justice' in G. de Búrca and J.H.H. Weiler (eds) *The European Court of Justice* (OUP, 2001) [pp.143-176, ISBN (hardback) 0 19 924602 5 (paperback) 0 19 924601 7)], 16000 words.

'Emancipation through Law or the Emasculation of Law? Gender Equality, the Nation State and the EU' in J. Conaghan, R.M. Fischl and K. Klare (eds) *Labour Law in an Era of Globalization* (OUP, 2001) [pp.489-510, ISBN: 0-19-924247-X] 9500 words.

'The Future of Remedies in Europe' in C. Kilpatrick, T. Novitz and P. Skidmore (eds) *The Future of Remedies in Europe* (Hart Publishing, Oxford, 2000) [pp.1-31, ISBN 1 84113 082 6] 12000 words.

'Effective Utilisation of Equality Rights: Equal Pay for Work of Equal Value in France and the UK' in F. Gardiner (ed.) *Sex Equality Policy in Western Europe* (European Political Science Series, Routledge, London, 1997) [pp.25-45, ISBN 0 415 14404 3] 7000 words.

'How Long is a Piece of String? European Regulation of the Post-birth Period' in T.K. Hervey and D. O'Keeffe (eds) *Sex Equality Law in the European Union* (Wiley, Chichester, 1996) [pp.81-96, ISBN 0 471 96436 0] 6000 words.

